

### **REMARKS**

Claims 49-56, 59-70, 72-78 and 81-92 are pending in the present application.

Applicants have amended claim 49 to include the features of dependent claims 57/49 and 58/57 and claim 70 to include the features of dependent claims 71/70, 79/76/70 and 80/79. Therefore, Applicant submits that the subject matter of amended claims 49 and 70 was presented previously. Thus, Applicant submits that the claim amendments presented herein do not present any new issues. Accordingly, Applicants respectfully requests that these amendments be entered.

### **PRIOR ART REJECTION**

Claims 49-92 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,711,408 to Raith ("Raith"). Claims 57, 58, 71, 79 and 80 have been cancelled herein. Therefore, the rejection with respect to these claims is moot. With respect to 49-56, 59-70, 72-78 and 81-92, this rejection is traversed.

Applicant submits that Raith does not anticipate the claimed invention for the reasons set forth in the amendment filed on June 8, 2007.

Further, Applicant submits that Raith does not teach or suggest the features of independent claims 49 and 70. These features can prevent unfavorable handover

decisions, for example with respect to access points not supporting applications currently running on a mobile device. New access points are identified by considering the applications that are running on the mobile devices and the related necessary support. Also, handover firstly relies on the use to existing handover mechanisms for identification of handover candidates, and secondly on the use of a proactively deployed handover mechanism for selection of the final at least one access point from the candidate access points.

Therefore, Applicant submits that Raith does not teach or suggest each and every feature of claims 49-56, 59-70, 72-78 and 81-92. Thus, Applicant submits that these claims are not anticipated by Raith. Therefore, Applicant submits that the rejection under 35 U.S.C. § 102(e) is improper and should be withdrawn.

Accordingly, Applicant submits that the present application is now in condition for allowance. If the Examiner believes that any outstanding issues can be resolved through a telephone interview, Applicant respectfully requests the Examiner to contact the undersigned at the telephone number provided below.

Applicant believes that no additional fees are due for the subject application. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. 04-1105.

Dated: 5/14/08

Respectfully submitted,

/John J. Penny, Jr./

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